

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FLOYD W. THOMAS, JR., individually and on :
behalf of all persons similarly situated, :

Plaintiff,

v.

ALLIS-CHALMERS ENERGY, INC. and
AIRCOMP, LLC,

Defendants.

Civil Action No.: 2:10-cv-01591-RCM

Judge Robert C. Mitchell

ELECTRONICALLY FILED

ORDER

AND NOW, this 11th day of September 2012, upon consideration of Plaintiff's

Unopposed Motion for Final Approval of the Settlement Agreement, the Court grants the Motion and ORDERS as follows:

1. The Parties' Settlement Agreement is finally approved as fair, reasonable and adequate, and a fair and reasonable resolution of a *bona fide* dispute;
2. For settlement purposes only, the following Pennsylvania State Settlement Class is finally certified pursuant to Fed. R. Civ. P. 23: all individuals who are current or former employees of Defendants Allis-Chalmers Energy Inc. or AirComp, LLC (or its successor Archer Underbalanced Services LLC) who worked in the Commonwealth of Pennsylvania at any time between December 16, 2008 and August 28, 2011, who were classified as non-exempt and paid pursuant to a daily rate compensation system, including but not limited to Operators and those in similarly titled positions;
3. Floyd W. Thomas, Jr. is finally approved as the Representative of the Pennsylvania State Settlement Class, and the additional service award and payment to Mr.

Thomas for his efforts in bringing and prosecuting this matter, plus, separately and independently in exchange for his Claims Released executed in favor of Defendants, is finally

approved; *totaling \$20,000 plus the pro rata share as calculated in the settlement agreement*

4. Berger & Montague, P.C. and Hardin & Hughes, LLP are finally approved as

Class Counsel for the Pennsylvania State Settlement Class;

5. Plaintiff's Unopposed Motion for Approval of Attorneys' Fees and Costs *(ECF #187)* is

granted, and payment of attorneys' fees in the amount of \$633,270 and costs in the amount of \$22,366.47 are finally approved;

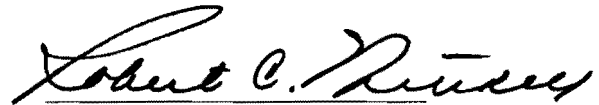
6. Heffler, Radetich & Saitta LLP is finally approved as Claims Administrator and the costs of claims administration are finally approved; *up to the amount of \$17,500*

7. The Class Members who did not opt-out of the Pennsylvania State Settlement Class and/or who opted into the FLSA Collective Action by September 1, 2012 are hereby bound by the releases described in the Settlement Agreement.

8. The Court hereby enters final judgment in this case and dismisses it with prejudice in accordance with the terms of the Settlement Agreement. The final judgment shall not bind any class members who timely opted out of the settlement. There being no reason to delay entry of this Final Judgment, the Clerk of the Court is ordered to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

9. Without affecting the finality of this Final Judgment in any way, the Court reserves exclusive and continuing jurisdiction over this action, the named Plaintiff, the certified class, and the Defendants for purposes of supervising the implementation and enforcement of the Settlement Agreement, the Preliminary Approval Order, this Order, and the distribution of all settlement payments and tax forms.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Robert C. Mitchell", is written over a horizontal line.

Honorable Robert C. Mitchell
United States Magistrate Judge